

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
SOUTHERN DIVISION  
CIVIL ACTION NO.: 7:21-CV-00025-D

DANIEL McCARTHY; and PHILIP  
SCALZO,

Plaintiffs,

vs.

ACTIVE ENERGY GROUP, PLC;  
LUMBERTON ENERGY HOLDINGS,  
LLC; ADVANCED BIOMASS  
SOLUTIONS, PLC; and ACTIVE  
ENERGY RENEWABLE  
POWER, LLC,

Defendants.

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**STATEMENT IDENTIFYING  
SELECTION OF MEDIATOR**

**NOW COME**, Plaintiffs, Daniel McCarthy and Philip Scalzo, and Defendants, Active Energy Group, PLC, Lumberton Energy Holdings, LLC, Advanced Biomass Solutions, PLC, and Active Energy Renewable Power, LLC, by and through their respective counsel of record, pursuant to Local ADR Rule 101.1c(a), and do hereby file this Statement Identifying Selection of Mediator.

1. The parties have conferred and agree to the selection of Scott C. Hart of Sumrell Sugg, P.A. as mediator in this case; and
2. Mr. Hart has agreed to his selection as mediator in this case.

Respectfully submitted this the 14<sup>th</sup> day of March 2022.

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**SHIPMAN & WRIGHT, LLP**  
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**CERTIFICATE OF SERVICE**

I hereby certify that on this, the 14<sup>th</sup> day of March 2022, I electronically filed the foregoing ***STATEMENT IDENTIFYING SELECTION OF MEDIATOR*** with the Clerk of Court using the CM/ECF system, which will automatically send notification of such filing the following CM/ECF participants:

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This the 14<sup>th</sup> day of March 2022.

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